

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT
MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:
Complaint of Judicial Misconduct

*
*
*No. 06-17-90121
*
*
*
*

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]** (“subject judge”), pursuant to 28 U.S.C. § 351. This is the complainant’s twelfth judicial complaint in this court, the sixth naming the judge who is the subject of the instant complaint. Like many of his previous complaints, the instant is an incoherent mix of adjectives and case citations, containing no complete sentences nor any discernable allegations of misconduct or disability.

After conducting an initial review, the chief judge may dismiss a complaint as to which he concludes: (A) that the claimed conduct, even if it occurred, “is not prejudicial to the effective and expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in inability to discharge the duties of judicial office”; (B) that the complaint “is directly related to the merits of a decision or procedural ruling”; (C) that the complaint is “frivolous,” a term that applies to charges that are wholly unsupported; or (D) that the complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

This complaint is, like most of the complainant’s previous submissions, almost impossible to interpret. Some of his previous complaints, liberally interpreted, challenged the subject judge’s rulings in the same underlying civil action and were dismissed as either directly related to the merits of the judge’s rulings pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, as raising non-cognizable allegations of delay under Rule 3(h)(3)(B), or as repetitious under Rule 11(c)(2). This complaint is similar to the previous complaints in that it seems to challenge the subject judge’s rulings in the underlying civil action.

Complaints that repeat the allegations of previous complaints may be dismissed if they contain no new, material information that was not previously considered. See Rule 11(c)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The instant complaint contains no new information or allegations, and thus may be dismissed under Rule 11(c)(2). Even were it not a repetition of the previous complaint, the current complaint would still be appropriately dismissed as directly related to the merits of the judge’s rulings pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Accordingly, it is **ORDERED** that the complaint be dismissed as repetitive of the previous complaints pursuant to Rule 11(c)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

/s/ R. Guy Cole, Jr.
Chief Judge

Date: June 8, 2018